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AFFIDAVIT OF DAVID C. WILSON

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David Wilson, being first duly sworn, deposes and says that:

I am an attorney with Black, Slaughter & Black, P.A., and have been primarily responsible for handling the state case that forms the underlying basis for the instant case. I am familiar with the facts of this case and timeline of events that gave rise to this case and all information contained herein is correct.

- September 4, 2020      Following previous communications about case law and scheduling, I sent an email to Brian Gambrell (attorney for Stacey Poole) asking about calendaring the pending summary judgment motion hearing for the middle of October.
- September 9, 2020      Leeann Simpson (my paralegal) sent me a preliminary copy of the notice of hearing for review setting the hearing for September 29, 2020. It was our normal template notice of hearing that contains language that the case is being treated as uncontested for failure to plead or respond and asks the defendant to contact my office if they plan to appear so that my office can make sure to have live witnesses at the hearing. This is the form notice of hearing used in the vast majority of cases as most of them do involve defendants who have not plead or responded and are in default. I did not review or approve this copy of the notice of hearing.
- September 10, 2020      Leeann emailed me to say that the notice of hearing had been submitted and mailed. I didn't catch it before it went out and didn't think anything of it since I had been communicating directly with Gambrell about scheduling it.
- September 11, 2020      I emailed Gambrell informing him that the only date the court had was September 29, 2020 and asked if that works for his schedule.
- September 13, 2020      Gambrell responded saying that he couldn't do the September 29th date because of a federal case with an expiring scheduling order but didn't offer any specific dates he could do it.
- September 14, 2020      I asked Leeann to reach out to the Master in Equity office

and see about a later date since Gambrell couldn't do the September 29th date.

- September 14, 2020 Leeann sent me a revised notice of hearing for a new date of November 3, 2020.
- September 14, 2020 Gambrell emailed me to report that his client received the mistakenly sent notice of hearing for the original September 29th date. I didn't think much of it since we were already getting a new date set up.
- September 15, 2020 I emailed Gambrell and apologized saying that the notice his client received was sent out inadvertently. I asked again what dates he was available in October.
- September 15, 2020 Gambrell responded to my email and asked his secretary to provide dates he would be available. She did so, and, after speaking with Leeann about scheduling it with the Court, November 3 was firmed up as the date.
- September 17, 2020 I asked Leeann to send me the amended notice of hearing for the November 3 date.
- September 18, 2020 Leeann sent me the amended notice of hearing for the November 3 date. I emailed Gambrell's secretary informing her of the new date and that we would be sending out the new notice of hearing that day.
- September 18, 2020 I reviewed the amended notice of hearing, making changes to it, and sent to Leeann to be filed and served and to email a copy to Gambrell's secretary. Unlike the previous version, this version was to be sent only to Gambrell and had no mention of the prior offending language about it being uncontested and about having the homeowner contact my office if they intended to appear.
- September 18, 2020 Leeann reported that the notice of hearing was filed and served. I did not check to see what version she had filed or sent since I assumed it was the revised version I had sent to her. Apparently, she accidentally filed and served the unedited version instead of the version I sent to her.

Further affiant saith not.

This the 23rd day of October, 2020.

  
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David Wilson

Attorney

Black, Slaughter & Black, P.A.

Sworn to and subscribed to before me  
this 23 day of October, 2020.

  
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Notary Public

My Commission Expires:

1/11/2022

